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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,705	03/30/2004	Sergio Bortolloni	03AB203	4081
7590	05/17/2006			EXAMINER HOFFBERG, ROBERT JOSEPH
Susan M. Donahue Rockwell Automation, Inc. 704-P 1201 South Second Street Milwaukee, WI 53204-2496			ART UNIT 2835	PAPER NUMBER
DATE MAILED: 05/17/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/812,705	BORTOLLONI ET AL.
	Examiner	Art Unit
	Robert J. Hoffberg	2835

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 11 April 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 9, 11 and 12 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-8 and 10 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 30 March 2004 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
Paper No(s)/Mail Date <u>10/21/04 12/12/05</u> .	6) <input type="checkbox"/> Other: _____ .

Detailed Action

Drawings

1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show #10 as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d).

The drawings must show every feature of the invention specified in the claims. Therefore, the second support (claim 3), fuse contact (claims 1, 7 and 9) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claim 1-8 and 10 are objected to because “fuse contact” in claims 1, 7 is not defined in the specification. For examination purposes, fuse contact is understood as “fuse clip” #26 or #27.

Claim 3 is objected to because “a second support” is not defined in the specifications. For examination purposes, a second support is understood as rib #61.

Claim 6 is objected to because of the following informalities: “the retainer” lacks antecedent basis. For examination purposes, the retainer is understood as “the retainers”.

Claim 10 is objected to because of the following informalities: “fuse status” should be “The fuse status”.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2 and 5-7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruchman (US 6,717,505) in view of Linney (GB 2,186,447).

With respect to Claim 1, Bruchman teaches a fuse status indicator assembly comprising: a base (Fig. 1, #40) having a generally planar back portion (see Fig. 1, #40 top) and having a shape for insertion into an opening in a fuse cartridge (Fig. 1, #10); retainer (Col. 4, lines 59-61) for holding the base in the opening in the fuse cartridge; a fuse status indicator (Fig. 1, #41) electrically connected (Fig. 1, #50) to at least one fuse contact (Fig. 1, #31); and a first support (Fig. 1, #44) projecting into the fuse cartridge from the base for supporting the fuse status indicator in position so as to be seen (Col. 5, lines 65-66) from a front (Fig. 4, #122) of the fuse cartridge. Bruchman fails to disclose a plurality of retainers and the fuse status indicator being illuminated so long as a fuse disposed in said fuse contacts is not blown. While Bruchman discloses a retainer, it has been held that it is obvious to one skilled in the art to duplicate the retainer. *In re Harza*, 274 F.2d 669, 124 USPQ 378 (CCPA). Linney teaches a fuse status indicator (Fig. 5, #4) being illuminated (line 103) so long as a fuse disposed in said fuse contacts is not blown. With respect to Claim 2, Linney further teaches that the fuse status indicator is a neon (line 103) bulb. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the indicator assembly of Bruchman with that of Linney for the purpose of giving a visible indication that the fuse not blown and increasing the number of retainers to insure the indicator assembly is in electrical contact with the fuse cartridge.

With respect to Claim 5, the label for attachment to the fuse cartridge to indicate the electrical parameters of a fuse in the fuse cartridge is nonfunctional printed matter

Art Unit: 2835

and fails to further distinguish over claim 1. *In re Ngai*, 367 F.3d 1336, 1339, 70 USPQ2d 1862, 1864 (Fed. Cir. 2004).

With respect to Claim 6, Bruchman discloses a barbed member (Fig. 1, #141) on the fuse cartridge extending forward (see Fig. 2) from the back portion of the base and a retainer member (Col. 4, lines 59-61) for location inside the fuse status indicator assembly to receive and retain the barbed members. While Bruchman fails to disclose a barbed member on the indicator assembly and the retaining member on the fuse cartridge, it has been held that the parts can be reversed with the barbed member located on the indicator assembly and the retaining member on the fuse cartridge. *In re Gazda*, 219 F.2d 449, 104 USPQ 400 (CCPA 1955). While Bruchman discloses a barbed member and a retainer, it has been held that it is obvious to one skilled in the art to duplicate the barbed member and the retainer. *In re Harza*, 274 F.2d 669, 124 USPQ 378 (CCPA). . It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the indicator assembly of Bruchman by increasing the number of retainers and their locations to insure the indicator assembly is in electrical contact with the fuse cartridge.

With respect to Claim 7, Bruchman teaches a fuse status indicator assembly comprising: a base (Fig. 1, #40) having a generally planar back portion (see Fig. 1, #40 top) having a shape for keyed insertion (Fig. 1, extension on upper right side of #40) into an opening of corresponding shape in a fuse cartridge (Fig. 1, #10); snap-in retainers (Col. 4, lines 59-61) for holding the base in the opening in the fuse cartridge, while allowing removal of the assembly in response to a withdrawal force; a fuse status

indicator (Fig. 1, #41) electrically connected (Fig. 1, #50) to at least one fuse contact (Fig. 1, #31), said fuse status indicator being illuminated so long as a fuse connecting said fuse contacts is not blown; a first support (Fig. 1, #44) projecting into the fuse cartridge from the base for supporting the fuse status indicator in position so as to be seen (Col. 5, lines 65-66) from a front of the fuse cartridge (Fig. 4, #122); and means for urging (Fig. 1, #52) circuit connections to the fuse status indicator into contact (Fig. 1, #91 and #53) with exposed contacts (Fig. 1, #92 and #71) in a cartridge which are covered by the base (when the fuse contact assembly is installed). Bruchman fails to disclose a plurality of retainers and the fuse status indicator being illuminated so long as a fuse disposed in said fuse contacts is not blown. While Bruchman discloses a retainer, it has been held that it is obvious to one skilled in the art to duplicate the retainer. *In re Harza*, 274 F.2d 669, 124 USPQ 378 (CCPA). Linney teaches a fuse status indicator (Fig. 5, #4) being illuminated (line 103) so long as a fuse disposed in said fuse contacts is not blown. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the indicator assembly of Bruchman with that of Linney for the purpose of giving a visible indication that the fuse not blown and increasing the number of retainers to insure the indicator assembly is in electrical contact with the fuse cartridge.

With respect to Claim 10, Bruchman further teaches that the fuse status indicator is configured to be arranged within a fuse cartridge assembly including a casing (Fig. 1, (housing for #10) having an opening (Fig. 1, #10 top of housing) in which contacts (Fig. 1, #92 and #71) to fuse clips are exposed (see Fig. 1).

5. Claims 3-4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruchman (US 6,717,505) in view of Linney (GB 2,186,447) as applied to the claim 1 above, and further in view of Immel et al. (US 3,685,049).

With respect to Claim 3 and 4, Bruchman in view of Linney teach the indicator of claim 1 above, but fail to disclose a second support. Immel et al. teaches a second support (Fig. 3B. #40 near #52 and #54) near disposed on an inwardly facing side of the base (Fig. 3B, #22) for locating a circuit element that is a resistor (Fig. 2, #R) that is electrically connected (see Fig. 1) to the fuse status indicator (Fig. 2, #N). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the indicator assembly of Bruchman in view of Linney with that of Immel et al. for the purpose of increasing reliability by minimizing flexing vibrations on the leads of the current limiting resistor (Col. 1, lines 44-46).

With respect to claim 8, Bruchman in view of Linney teach the indicator of claim 1 above, but fail to disclose a current limiting element. Immel et al. teaches a fuse status indicator (Fig. 2, #N) is electrically connected (see Fig. 1) to a current limiting element (Fig. 2, #R) that is also supported (Fig. 2, #40 right side) on the base. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the indicator assembly of Bruchman in view of Linney with that of Immel et al. for the purpose of increasing reliability by minimizing flexing vibrations on the leads of the current limiting resistor (Col. 1, lines 44-46).

Response to Arguments

6. Claim 9, 11 and 12 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected Group II, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 4/11/06.

7. Applicant's election with traverse of Group I in the reply filed on 4/11/06 is acknowledged. The traversal is on the ground(s) that that the claims as amended have the same limitations in each of the groups and therefore do not constitute a combination-subcombination. This is not found persuasive because the restriction requirement is based upon the claims as originally filed and reconsideration of the restriction requirement is consider for rejoinder of non-elected claims upon allowance of a generic or linking claims.

The requirement is still deemed proper and is therefore made FINAL.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert J. Hoffberg whose telephone number is (571) 272-2761. The examiner can normally be reached on 8:30 AM - 4:30 PM Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn D. Feild can be reached on (571) 272-2092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RJH *Ruthy*

Lynn D. Feild
LYNN FEILD
SUPERVISORY PATENT EXAMINER